

Appl. No. 10/700,614
Atty. Docket No. 9422L
Amdt. dated _____, 2005
Reply to Office Action of 02/08/2005
Customer No. 27752

REMARKS

Restriction has been required between two groups of claims as identified by the Examiner:

- I. Claims 1-15, applicator; and
- II. Claims 16-19, method of applying sheet material.

Applicants confirm the election of the claims of Group I, with traverse. Traverse is based upon Applicants' belief the apparatus cannot be used to practice a materially different process as identified by the Office Action. Specifically, the Office Action states the invention can be used to smooth polymeric coatings. In the absence of a contrary statement by the Office Action, Applicants assume the polymeric coating is uncured or undergoing the curing process. Such polymeric coatings are often viscous and sticky. There is no evidence the claimed applicator would be suitable for the proposed alternative process involving viscous, sticky materials. Accordingly, Applicants respectfully request the Restriction Requirement be withdrawn.

The first sentence of the specification is amended to include the relationship between the instant application and the application from which priority is claimed. The disclosure is also objected to for reciting a pending application serial number, which has issued into a patent. Appropriate correction has been made.

Claims 1-7, 9, 11 and 12 are rejected under 35 USC §102(b) over Buske (US 3,907,628). Buske discloses an applicator for applying sheet materials. As noted in the Office Action, the apparatus has two presser edges 20, 22. However, the pressure edge surfaces are not "outwardly facing" as required by instant Claim 1 and, therefore, do not correspond to that claim element.

The Buske applicator also includes two burnishes 24, 26. However, the burnishes are coplanar and thus disposed at an angle of 0°, contrary to the claims which require the first surfaces of the burnish "subtend an included angle of at least 180°."

Trying to give Buske an even broader interpretation still fails to produce the claimed invention. If one were to interpret the backsides of presser edges 20, 22 to be the outwardly facing surface, even this interpretation fails. Such surfaces subtend an acute

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angle and thus cannot subtend an included angle of at least 180° as required by independent Claim 1 and the claims that depend therefrom.

Buske fails to disclose or render obvious the claimed invention. The Examiner is respectfully requested to reconsider and withdraw any rejection over Buske.

Claims 13-15 are rejected under 35 USC §102(b) over Lake (US 4,210,485). Claim 13 is amended hereunder to recite two non-rotatable burnishes disposed in convex noncoplanar relationship relative to each other. Further, both burnishes are recited to have surfaces which can act upon the sheet material being applied to the substrate.

In contrast, the Lake applicator has two rollers 7, 8/15, 16. Three distinctions are present between the claimed invention and Lake. First, the Lake rollers are disposed in coplanar relationship (Figs. 2, 4 and 5). Second, the Lake rollers are rotatable and, therefore, cannot apply shear force, as do the claimed non-rotatable burnishes. Third, only one of the Lake rollers 7/15 acts upon the wallpaper as it is applied, rather than both burnishes as recited in Claim 13.

Lake does not deal with the problem of the need to have a shear force applied to the sheet material so that smoothing can occur, and only utilizes one rotatable roller which is coplanar with another roller. Lake does not provide the benefits of Claim 13 as amended hereunder. Accordingly, the Examiner is respectfully requested to reconsider and withdraw any rejection over Lake.

Bases for the foregoing amendments are found in Fig. 7A and Claim 14. Claim 14 is amended hereunder to recite burnishes having different materials, another feature not found in the cited prior art. This arrangement provides the benefit, not found in the prior art, that the two different materials may be tailored to the end use.¹

Claim 8 is rejected under 35 USC §103(a) over Buske (US 3,907,628) as applied to Claim 1 and further in view of Shannon (US 4,806,184). The applicator of Claim 8 comprises a movable control bar "for attachment to a sheet material."²

¹ E.g., see specification at 6:23-26.

² The attachment is described in the specification at 5:32 – 6:4. While this description is not read into the claim limitations, the claim is interpreted in light of such description without reading limitations in from the specification.

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In contrast, Shannon discloses an applicator having an immovable contact tube 28 and rollers 55 attached to yoke 52. The rollers 55 are biased against the sheet material by torsion spring 54 (6:29-30).

The Shannon rollers are not attachable to the sheet material as required by Claim 8. Furthermore, Claim 8 depends from Claim 1. As noted above, Claim 1 recites two burnishes having outwardly facing surfaces which subtend an included angle of at least 180°. Combining Buske with Shannon still fails to produce the applicator of Claim 1, much less the applicator of Claim 8. The Examiner is respectfully requested to reconsider and withdraw any rejection over the cited combination.

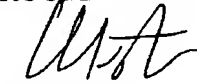
Claim 10 is rejected under 35 USC §103 over Buske (US 3,907,628) as applied to Claim 9 and further in view of Takahashi (US 4,026,648). Claim 10 ultimately depends from Claim 1. Buske, even when combined with the felt of Takahashi, fails to describe or teach the applicator of Claim 1 – much less the applicator of Claim 10. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection over the cited combination.

All matters raised by the Office Action are believed to be addressed by the remarks and amendments made hereunder. The Examiner is respectfully requested to reconsider and allow all claims remaining in the application.

Respectfully submitted,

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By



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